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VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Joseph Percoco, et al.*, 16-CR-776 (VEC)

Dear Judge Caproni:

As you are aware, I represent Kevin C. Schuler in connection with the above-captioned indictment.

I write, as you requested, to apprise you of the status of my current trial in the Western District of New York, *United States v. David Pirk, et al.*, 15-CR-142.

Our Trial Judge, the Honorable Elizabeth A. Wolford, has advised jurors that she expects the trial to extend into late May. This estimate is based on representations made by the Government with respect to the length of their proof and the anticipation that there may be defense proof, even though the number of defendants has been whittled down to three.

As I had previously mentioned to the Court, I am scheduled to begin the defense of a police officer in the Western District of New York on May 6, 2018, *United States v. Krug, et al.*, 14-CR-102, before the Honorable William M. Skretny. I am, however, in regular contact with Judge Skretny to apprise him of the trial status of my current case. The *Krug* case is a particularly stale case, because the Government elected to indict Officers Krug and Wendell on the eve of the expiration of the statute of limitations and the case has been the subject of an interlocutory appeal to the United States Court of Appeals for the Second Circuit. My preference would be to complete my current trial and then proceed with the Krug trial, but that would obviously conflict with your current schedule.

Paralegals

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The purpose of this letter is not only to update you with respect to these trial conflicts, but also to seek your consideration for a postponement of the Ciminelli trial until July or August. Obviously, Mr. Schuler would consent to the appropriate exclusion of the time in order to preserve his right to continuity of counsel. *See* 18 USC § 3161(h)(7)(B) (iv).

Thank you for your consideration of these important issues.

Respectfully submitted,

While the Court appreciates Mr. Connors's update,
the application for an adjournment is DENIED.

/s/ Terrence M. Connors
Terrence M. Connors

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

2/12/2018